

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**JULIE DELANEY and
WILLIAM P. DELANEY,**

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

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**Civil Action No.: 1:05-cv-10241-MLW
Next Event: Scheduling Conference on
November 10, 2005 at 3:30 p.m.**

JOINT STATUS REPORT

Pursuant to this Court's April 22, 2005, Scheduling Order, the parties having conferred on October 27, 2005, hereby submit the following status report as to the prospects for settlement and whether either party feels there is a proper basis for filing a motion for summary judgment:

1. Prospects for Settlement:

Pursuant to the Court's Notice of Scheduling Conference and Local Rule 16.1, the plaintiffs on April 8, 2005, submitted an initial demand to counsel for the Defendant. To date, there has been no response to said demand, as Defendant cannot properly evaluate the case for settlement until expert discovery has been completed.

2. Motions for Summary Judgment:

Plaintiffs do not believe there is a proper basis for filing a Motion for Summary Judgment in this matter.

Defendant believes there is a proper basis for filing a Motion for Summary Judgment on the issues of product identification and/or reliance and intend to file a Motion on at least one of those grounds in accordance with the Court's to be determined Motions for Summary Judgment Briefing Schedule.

Respectfully submitted,

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Dated: October 27, 2005